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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,424	08/14/2002	Peter Kenington	46309/271492	9122

22186 7590 06/06/2005

MENDELSON AND ASSOCIATES, P.C.  
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PHILADELPHIA, PA 19102

EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/088,424	KENINGTON ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Blane J Jackson	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 91-142 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 91-135 and 139-142 is/are allowed.
- 6) ☒ Claim(s) 136-138 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the new claims 136-138 have been considered but are considered obvious as taught by prior art Briffa as in the following rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 136-138 are rejected under 35 U.S.C. 103(a) as being unpatentable over Briffa et al. (US 6,075,411).

As to claims 136-138, Briffa teaches an apparatus and method for generating a predistorted signal from an input signal to reduce distortion in an output signal generated by signal handling equipment based on the predistorted signal comprising:

An extractor adapted to generate extracted signals from the input signal (coupler (33) extracts the input signal and coupler (47) extracts the output signal, figure 3),

*Circuitry* adapted to condition the extracted signal so that the conditioned signal envelope maintains a substantially constant amplitude (figure 3, delay element (42) conditions the input signal, column 6, lines 55-67),

A generator adapted to generate a distortion signal based on the conditioned signal (figure 4, the predistortion circuit PreD (37), column 5, line 60 to column 6, line 67)  
and,

A modulator adapted to modulate the input signal based on the distortion signal to generate the predistorted signal (modulator is the QGPA (36), column 6, lines 13-18).

Briffa teaches *circuitry* to condition the extracted (input) signal but does not directly teach automatic gain control circuit adapted to condition the extracted input signal to maintain a substantially constant amplitude. However, Briffa teaches an extracted output signal at coupler (47) provided to attenuator (43) that scales the extracted signal by an amount  $1/G$  where  $G$  corresponds to the gain of the PA (13) such that the output signal matches the gain of the delayed input signal, figure 3, column 6, line 55 to column 7, line 5. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to alternatively modify the circuits of Braffa with gain control of the input signal such that the signal level of the extracted input and output signals are matched.

Claim 138 is understood to invoke the 112 6<sup>th</sup> paragraph, a means plus function claim where the examiner believes a prima facie case of obviousness has been established and invites the applicant to identify the claim structure in the specification or equivalents to support the functional claim language.

***Allowable Subject Matter***

3. Claims 91-135 and 139-142 are allowed. The following is an examiner's statement of reasons for allowance: The prior art made of record teaches a method and apparatus for generating a predistorted signal from an input signal to reduce distortion in an output signal comprising a generator adapted to generate a distortion signal based on the extracted signal, wherein the distortion signal comprises first, third and other odd order distortion component based on an odd order signal generated from the extracted signal but does not teach a second or fourth (even) order distortion component.

***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ

  
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